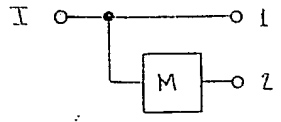
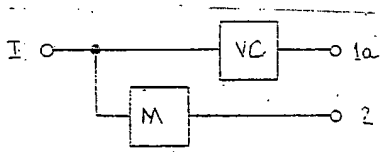
APPLICANT'S CLAIMED INVENTION

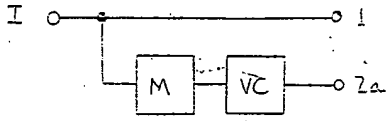
In claims 2 and 3 the input signal is received and modified to produce a second signal (Cl.2, Ln.3-4; Cl.3, Ln.2-3). This diagrams as:



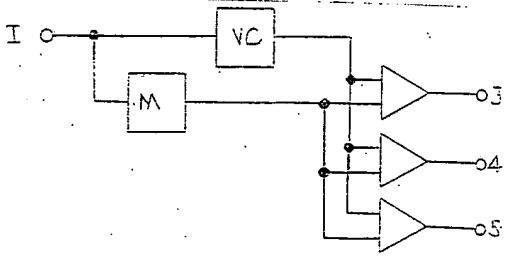
Either one of these signals is variably controlled (Cl.2, Ln.5; Cl.3, Ln.4). This diagrams as either:



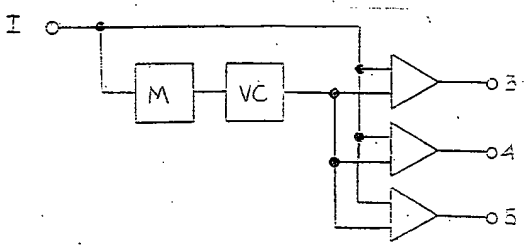
or



The resulting signals are mixed to produce variable controlled third, fourth and fifth signals (Cl.2, Ln.6-7); Cl.3, Ln.5-6).

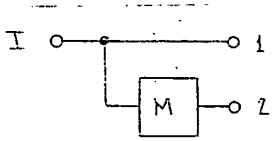


or

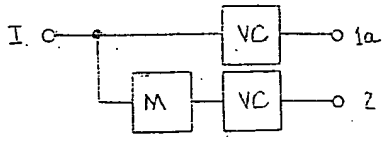


In either case, the outputs 3, 4 and 5 are the result of mixing a variably controlled input signal 1 with a modification 2 of the same input 1 or of mixing the input signal 1 itself with a variably controlled modification 2 of the same input 1.

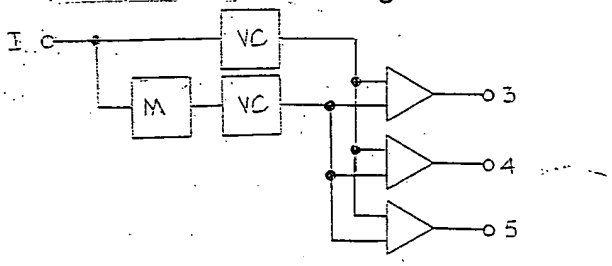
In claims 4 and 5, the input signal is received and modified to produce a second signal (Cl.4, Ln.3-4; Cl.5, Ln.2-3). This diagrams as:



Both of these signals are variably controlled (Cl.4, Ln.5; Cl.5, Ln.4). This diagrams as:



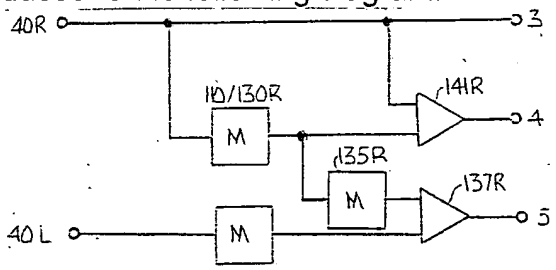
Both variably controlled signals are mixed to produce variably controlled third, fourth and fifth signals (Cl.4, Ln.6-7; Cl.5, Ln.5-6). This diagrams as:



Again, the outputs 3, 4 and 5 are the result of mixing a variably controlled input signal with a variably controlled modification of the same input signal.

DE FREITAS FIGURE 5 APPLIED TO APPLICANT'S CLAIMS 2 AND 3

Consider DeFreitas input 40R. It is used, without modification or variable control, as one of the outputs which we identify as 3 but which is actually the input 1. It is also applied to the mixer 141R directly. It is also modified by a variety of operators identified generally as 110 and another mixer 130R to produce another output which has been identified as 4. Finally, the modified signal is again modified by a filter 135R and is mixed with a modification of another signal 40L to produce another output signal identified as 5. The net result can be reduced to the following diagram:

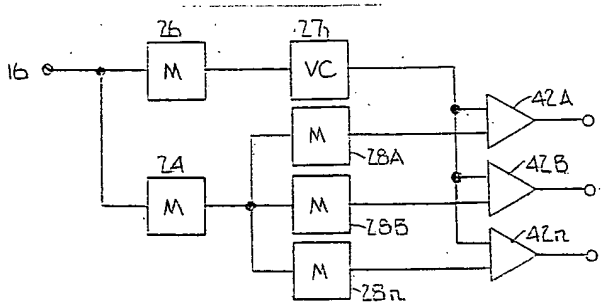


Clearly, signal 3 is not the result of variably controlling or mixing the input signal 40R. Therefore, DeFreitas does not anticipate applicant's claimed invention. Clearly,

signal 5 is not the result of mixing the input signal 40R with a modification of the input signal 40R. Moreover, neither input to the mixer 137R is variably controlled. Therefore, DeFreitas does not anticipate applicant's claimed invention. DeFreitas does not operate the same way as applicant's claimed invention and does not produce the same three outputs as applicant's claimed invention.

BERKOVITZ FIGURES 4, 6 AND 8 APPLIED TO APPLICANT'S CLAIMS 2 and 3

In Berkovitz Figure 4, an input 16 is modified by high and low pass filters 26 and 24 and the resulting filtered signals are mixed to produce 3 or more outputs 14A, 14B and 14N as shown below:



The input signal 16 is never applied to any of the mixers 42A, 42B or 42n which provide the output signals. Only modifications of the input signal are mixed. Thus Berkovitz Figure 4 not anticipate applicant's claimed invention.

Berkovitz Figure 6 is merely a slightly more complex version of Figure 4 and has the same failings as Figure 4 in relation to applicant's claimed invention.

Berkovitz Figure 8 uses multiple input signals 16A and 16B. Output 12A is the result of mixing the input signal 16A with a modification of signal 16A. Output 12B is the result of mixing the input 16B with a modification of signal 16B. Therefore, outputs 12A and 12B are not outputs derived from the same input signal, as taught by applicant. Furthermore, outputs 14A, 14B, 14C and 14D are not derived from either input 16A or 16B but are derived from modifications (filtering) of both 16A and 16B. Berkovitz Figure 8 does not

anticipate applicant's claimed invention.

MORISHIMA FIGURE 2 APPLIED TO APPLICANT'S CLAIM 2

In Morishima, M16 mixes two different input signals 9 and 11, M18 mixes two different input signals 10 and 11, M20 mixes a modification of input signal 10 with an input signal 12 attenuated in response to a signal 13, M22 mixes a modification of input signal 9 with an input signal 12 attenuated in response to a signal 14 and M35 mixes all the input signals 9, 10, 11 and 12 to produce another output. No signal is mixed with a modification of itself to produce an output. No variable control is applied to at least one of the signals going to each and every mixer. Morishima does not anticipate applicant's claimed invention.

DOLBY'S FIGURES 1, 2 AND 8 APPLIED TO APPLICANT'S CLAIMS 4 AND 5

In Dolby Figure 1, output signal L_{OUT} is the result of variably controlling the input signal L_{IN} in response to a control signal. No mixing of the input signal L_{IN} occurs. No mixing of a modification of the input signal L_{IN} occurs. R_{OUT} is the result of the same operation on R_{IN}. Therefore, L_{OUT} and R_{OUT} do not even involve the same input signals. C_{OUT} is the result of variably controlling the sum of the outputs L_{IN} and R_{IN}. It is not the result of variably controlling an input, also variably controlling a modification of that same input and then mixing the two. Dolby Figure 1 does not anticipate applicant's claimed invention.

Dolby Figure 2 fits the same scenario as Figure 1 and does not anticipate applicant's claimed invention.

Dolby's Figure 8 likewise fits the same scenario. If we consider the + input to amp 22, it is a modification of input signal L20. The - input is also a modification of input signal

L20. The + input to amp 23 is a modification of input signal R21. The - input is also a modification of input signal R21. Thus, L_{OUT} 24 and R_{OUT} 25 are not outputs derived from the same input or from a modification of the same input. Dolby Figure 8 does not anticipate applicant's claimed invention.

HILBERT FIGURES 4 AND 5 APPLIED TO APPLICANT'S CLAIMS 4 AND 5

In Hilbert Figure 4, output 16 is the result of variably controlling input signal 10, output 16d is the result of variably controlling input signal 10, output 16e is the result of variably controlling input signal 10a and output 16a is the result of variably controlling input signal 10a. No output signal is obtained by mixing any signals. No three output signals are the result of variably controlling the input signal, variably controlling a modification of the same input signal or variably controlling both the input signal and a modification thereof. Hilbert Figure 4 does not anticipate applicant's claimed invention.

Hilbert Figure 5 is merely a three channel version of Figure 4. The same scenario applies as described above. Hilbert Figure 5 does not anticipate applicant's claimed invention.

CONCLUSION

Applicant respectfully submits that applicant's claimed invention is distinguished over all the cited references and allowance of all claims is respectfully requested.

The Commissioner is authorized to charge any additional costs or credit any overpayments to the deposit account of the undersigned, No. 03-1127.

Respectfully submitted,

FRANK J. CATALANO, P.C.

BY: FRANK J. CATALANO
REG. NO. 25,836
810 S. CINCINNATI, SUITE 405
TULSA, OK 74119
(918) 584-8787
(918) 599-9889 (fax)
Customer No. 07303